

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

<b>MAGNACROSS LLC,</b>  v.  <b>CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS,</b>  Defendant.	<b>Plaintiff,</b>  <b>CASE NO. 2:15-cv-844-JRG-RSP (LEAD CASE) PATENT CASE</b>
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**JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**

Pursuant to Local Patent Rule 4-3 (“P.R. 4-3”) and the Docket Control Order, Plaintiff Magnacross LLC (“Magnacross”) and Defendants ASUS Computer International, AT&T Mobility LLC, BLU Products, Inc., Cellco Partnership d/b/a Verizon Wireless, Sprint Spectrum L.P., MSI Computer Corp., T-Mobile USA, Inc., and YiFang USA Inc. dba eFun hereby submit this Joint Claim Construction and Prehearing Statement (“Statement”).

**(a) Agreed Constructions**

The Parties do not agree on any proposed claim constructions.

**(b) Disputed Constructions**

The following is a claim term that Magnacross contends should be construed but for which the Defendants contend no separate construction is required:

- “data sensors” (claims 1 and 12)

The following is a list of claim terms that Defendants contends should be construed but for which Magnacross contends no construction is required:

- “allocating data from said local data sensors to respective ones or groups of said sub-channels in accordance with the data carrying capacities of said sub-channels” / “allocation of data from said local data sensors to respective ones or

groups of said sub-channels in accordance with...data rate requirements from said local sensors" (claims 1 and 12);

- "control means" (claim 12);
- "data processing means" (claims 1 and 12);
- data rate... "differing substantially" / "substantially different" data rate (claims 1 and 12);
- "division of said [communications] channel into sub-channels" (claims 1 and 12);
- "transmitter adapted to transmit said data through said sub-channels accordingly" (claim 12);
- "communications channel" (claims 1 and 12);
- Preamble (whether limiting or not limiting) ["1. A method... data processing means" (1st 3 lines of claim 1); "12. Apparatus... data processing means," (1st 3 lines of claim 12)];
- "said local sensors" (claims 1 and 12);
- "said local data sensors" (claims 1 and 12);
- "subchannel" (claims 1 and 12).
- "whereby the data carrying capacities of said sub-channels are unequal" (claims 1 and 12).

The following is a list of claim terms that Defendants ASUS Computer International, AT&T Mobility LLC, BLU Products, Inc., Cellco Partnership d/b/a Verizon Wireless, Sprint Spectrum L.P., MSI Computer Corp., and T-Mobile USA, Inc. contend should be construed but for which Magnacross contends no construction is required:

- "transmitting said data from said data sensors" (claims 1 and 12); and
- "transmit"/"transmission"

The following is a list of claim terms that Defendant YiFang contends should be construed but for which Magnacross contends no construction is required:

- "multiplexer" (claims 1 and 12); and

Exhibit A contains Plaintiff Magnacross's proposed claim constructions for the disputed terms, along with supporting intrinsic and extrinsic evidence. Exhibit B contains proposed constructions and supporting intrinsic and extrinsic evidence of Defendants ASUS Computer International, AT&T Mobility LLC, BLU Products, Inc., Cellco Partnership d/b/a Verizon Wireless, Sprint Spectrum L.P., MSI Computer Corp., and T-Mobile USA, Inc. Exhibit C contains proposed constructions and supporting intrinsic and extrinsic evidence of Defendant YiFang.

**(c) Length of Time Needed for Claim Construction Hearing**

By its Order, the Court set the Claim Construction hearing for April 22, 2016 at 9:00 a.m. before Judge Roy Payne. The Parties believe that approximately four hours, two hours per side, will be needed for the Claim Construction hearing.

**(d) Live Witnesses**

Pursuant to the Court's Standing Order Regarding the use of Live Testimony During Claim Construction Proceedings, Magnacross does not anticipate presenting live testimony at the claim construction hearing. Magnacross reserves the right to rely on expert testimony submitted as exhibits to Magnacross's claim construction briefing in response to any indefiniteness argument asserted by Defendants.

Pursuant to the Court's Standing Order Regarding the use of Live Testimony During Claim Construction Proceedings, Defendants do not anticipate presenting live testimony at the claim construction hearing. Defendants reserve the right to rely on any relevant deposition testimony that may be taken prior to the Markman hearing which testimony, if any, will be submitted in the form of exhibits.

**(e) Issues for Prehearing Conference**

The Parties do not submit any issues at this time for the Court's consideration.



Dated: January 29, 2016

Respectfully Submitted

By: /s/ Kevin P. Anderson  
Michael E. Jones  
State Bar No. 10929400  
mikejones@potterminton.com  
POTTER MINTON  
A Professional Corporation  
110 N. College, Suite 500 (75702)  
P.O. Box 359  
Tyler, TX 75710  
Tel: (903) 597-8311  
Fax: (903) 593-0846

Kevin P. Anderson  
D.C. Bar No. 476504  
kanderson@wileyrein.com  
WILEY REIN LLP  
1776 K Street NW  
Washington, DC 20006  
Tel: (202) 719-7000  
Fax: (202) 719-7049

*Counsel for Defendants Celco  
Partnership d/b/a Verizon Wireless  
and Verizon Communications  
Inc.*

Respectfully Submitted

By: /s/ David R. Bennett  
David R. Bennett  
Illinois Bar No. 6244214  
Direction IP Law  
P.O. Box 14184  
Chicago, IL 60614-0184  
Telephone: (312) 291-1667  
e-mail: dbennett@directionip.com

**ATTORNEY FOR  
PLAINTIFF MAGNACROSS  
LLC**

/s/ David. P. Whittlesey  
David. P. Whittlesey  
State Bar No. 00791920  
Email:  
dwhittlesey@andrewskurth.com  
ANDREWS KURTH LLP  
111 Congress Ave., Ste. 1700  
Austin, TX 78701  
(512) 320-9200  
(512) 320-9292 (fax)

Gregory L. Porter  
State Bar No. 24002784  
Email: gporter@andrewskurth.com  
Lloyd L. Davis

State Bar No. 24080852  
Email: [ldavis@andrewskurth.com](mailto:ldavis@andrewskurth.com)  
ANDREWS KURTH LLP  
600 Travis Street, Ste. 4200  
Houston, TX 77002  
(713) 220-4200  
(713) 238-7169 (fax)

Scott Bloebaum  
State Bar No. NC 39534  
Email:  
[scottbloebaum@andrewskurth.com](mailto:scottbloebaum@andrewskurth.com)  
ANDREWS KURTH LLP  
4505 Emperor Boulevard, Suite 330  
Durham, NC 27703  
(919) 864-7200  
(202) 974-9552 (fax)

Harry Lee Gillam, Jr.  
Texas State Bar No. 07921800  
Email: [gil@gillamsmithlaw.com](mailto:gil@gillamsmithlaw.com)  
GILLAM & SMITH, LLP  
303 South Washington Avenue  
Marshall, Texas 75670  
Tel: 903-934-8450  
Fax: 903-934-9257  
*Counsel for Defendant AT&T  
Mobility LLC*

/s/ Franklin D. Kang  
Robert W. Weber  
Texas State Bar No. 21044800  
SMITH WEBER, LLP  
5505 Plaza Drive  
P.O. Box 6167  
Texarkana, Texas 75503  
Telephone: (903) 223-5656  
Facsimile: (903) 223-5652  
[bweber@smithweber.com](mailto:bweber@smithweber.com)

Franklin D. Kang  
McGuireWoods LLP  
1800 Century Park East, 8th  
Floor  
Los Angeles, CA 90067  
Telephone: (310) 315-8231

Facsimile: (310) 956-3102  
[fkang@mcguirewoods.com](mailto:fkang@mcguirewoods.com)

Shaun W. Hassett  
McGuireWoods LLP  
2000 McKinney Avenue  
Suite 1400  
Dallas, TX 75201  
Telephone: (214) 932-6422  
Facsimile: (214) 273-7475  
[shassett@mcguirewoods.com](mailto:shassett@mcguirewoods.com)

*Counsel for Sprint Spectrum  
L.P.*

/s/ John M. Jackson  
Robert P. Latham  
Texas Bar No. 11975500  
[blatham@jw.com](mailto:blatham@jw.com)  
John M. Jackson  
Texas Bar No. 24002340  
[jjackson@jw.com](mailto:jjackson@jw.com)  
Blake Dietrich  
Texas Bar No. 24087420  
[bdietrich@jw.com](mailto:bdietrich@jw.com)  
**JACKSON WALKER L.L.P.**  
2323 Ross Avenue, Suite 600  
Dallas, Texas 75201  
Telephone: (214) 953-6000  
Facsimile: (214) 953-5822

*Counsel for Defendant T-Mobile  
USA, Inc.*

/s/ Bijal V. Vakil  
J. Thad Heartfield  
State Bar No. 09346800  
[thad@heartfieldlawfirm.com](mailto:thad@heartfieldlawfirm.com)  
THE HEARTFIELD LAW FIRM  
2195 Dowlen Road  
Beaumont, TX 77706  
Tel: (409) 866-3318  
Fax: (409) 866-5789

Bijal V. Vakil  
bvakil@whitecase.com  
Thomas C. Flynn  
tflynn@whitecase.com  
WHITE & CASE LLP  
3000 El Camino Real  
Five Palo Alto Square, 9th Floor  
Palo Alto, CA 94306  
Tel: (650) 213-0300  
Fax: (650) 213-8158

*Counsel for Defendant MSI  
Computer Corp.*

/s/ Vinay V. Joshi  
Vinay V. Joshi (**Lead**)  
vjoshi@atwiplaw.com  
Daniel W. Bedell  
dbezell@atwiplaw.com  
Amin Turocy & Watson LLP  
160 West Santa Clara Street  
Suite 975  
San Jose CA 95113  
Telephone: (650) 618-6481  
Facsimile: (216) 696-8731

*Counsel for Defendant  
ASUS Computer International*

/s/ Lucian C. Chen  
Lucian C. Chen, Esq.  
*Admitted pro hac vice*  
**Lucian C. Chen, Esq. PLLC**  
One Grand Central Place  
60 East 42d Street  
(212) 710.3007 (main)  
(212) 501.2004 (fax)  
[lucianchen@lcclegal.com](mailto:lucianchen@lcclegal.com)

Jeff Rambin  
**Capshaw DeRieux, LLP**  
114 E. Commerce  
Gladewater, Texas 75647  
(903) 845.5770 (direct)  
(903) 520.5789 (main)  
[jrambin@capshawlaw.com](mailto:jrambin@capshawlaw.com)

**COUNSEL FOR DEFENDANT  
YIFANG USA, INC. D/B/A E-  
FUN, INC.**

/s/ Isaac S. Lew

Bernard L. Egozi  
(Florida Bar No. 152544)  
begozi@egozilaw.com  
Isaac S. Lew (Florida Bar No. 92833)  
ilew@egozilaw.com  
EGOZI & BENNETT, P.A.  
2999 NE 191 Street, Suite 407  
Aventura, Florida 33180  
Telephone: (305) 931-3000  
Facsimile: (305) 931-9343

*Counsel for Defendant BLU  
Products, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on January 29, 2016 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ David R. Bennett

David R. Bennett